

Applicants : Peter D. Kwong et al.  
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5. Prior to May 5, 2000, neither Mr. White nor anyone else at Cooper & Dunham LLP received instructions from Dr. Weinberger or from anyone else at Columbia University, as to whether the PCT application should enter the national stage in any designated region or state (one of which was the United States). Neither Dr. Weinberger nor Columbia University had given Mr. White or Cooper & Dunham LLP instructions to enter the national stage in default of express instructions.
6. On March 10 and April 10, 2000, Mr. White sent letters to Dr. Weinberger requesting instructions for entering the national stage with the PCT application including all designated regions and states, which were identified by name (including the United States) in block paragraph form in each letter.
7. Having received no answer to either letter, on May 5, 2000, Mr. White caused Joshua Landa, at that time a legal assistant employed by Cooper & Dunham LLP, to speak with Dr. Weinberger by telephone to obtain such instructions.
8. On or before May 5, 2000, Dr. Weinberger, on behalf of (and/or together with or under direction from other personnel of) Columbia University, determined that the PCT application should not enter the national stage in any region or state other than the United States, but that the application should be prosecuted in the United States.
9. In speaking with Mr. Landa by telephone on May 5, 2000, Dr. Weinberger instructed him that Columbia did